

## Kellie Martinec

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**From:** Kathy Turner Jones <kjones@lonestargcd.org>  
**Sent:** Monday, April 01, 2013 11:45 AM  
**To:** rulescoordinator  
**Subject:** LSGCD comments to proposed Commission Rule 3.13  
**Attachments:** EPSON003.PDF

**Importance:** High

“Attention Rules Coordinator, attached for submission are comments to proposed Commission Rule 3.13 on behalf of the Lone Star Groundwater Conservation District.”

**Kathy Turner Jones**  
General Manager



LONE STAR GROUNDWATER  
CONSERVATION DISTRICT.  
655 Conroe Park North Drive  
Conroe, Texas 77303  
Phone 936.494.3436  
Fax 936.494.3438  
[www.lonestargcd.org](http://www.lonestargcd.org)



655 Conroe Park North • Conroe, Texas 77303  
local 936/494-3436 • metro 936/441-3437 • fax 936/494-3438  
e-mail: lsgcd@consolidated.net • www.lonestargcd.org

Kathy Turner Jones  
General Manager

March 28, 2013

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Rules Coordinator  
Railroad Commission of Texas  
Office of General Counsel  
P.O. Drawer 12967  
Austin, Texas 78711-2967

Re: Comments on Proposal to amend 16 Tex. Admin. Code § 3.13  
Casing, Cementing, Drilling, and Completion Requirements"

To The Honorable Railroad Commission of Texas and Staff:

The Lone Star Groundwater Conservation District ("District") thanks the Railroad Commission of Texas ("Commission") and its staff for your efforts to develop the proposed changes to Rule 3.13, regarding "Casing, Cementing, Drilling, and Completion Requirements." We appreciate the opportunity to provide comments on those proposed changes. In response to the proposed changes, as published in the Texas Register on February 15, 2013, the District submits these comments and suggested revisions for your consideration.

Multiple regulatory agencies recognize the significance of protecting the quality of underground sources of drinking water—or USDWs—as that term is understood in the technical sense. The Texas Commission on Environmental Quality has defined USDW at Title 30, Section 331.2(110) of the Texas Administrative Code. However, it is unclear from the language proposed by the Commission for Title 16, Section 3.13(a)(1) of the Texas Administrative Code that the Commission intends for the protections afforded by the proposed language to extend to formations containing USDWs as well. Accordingly, the District proposes the following:

(1) The District requests that the Commission amend the proposed changes so that the second sentence of Section 3.13(a)(1) reads as follows: "It is the intent of all provisions of this section that casing be securely anchored in the hole in order to effectively control the well at all times, all usable-quality water zones and underground sources of drinking water be isolated and sealed off to effectively prevent contamination or harm."

(2) The use of "underground sources of drinking water" would require the Commission to promulgate a definition of that term. The District requests that the Commission consider adopting the definition of USDW that has been promulgated by TCEQ at title 30, Section 331.2(110) of the Texas Administrative Code.

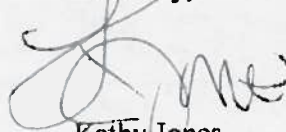
(3) The District suggests adding definitions of "usable-quality water" and "underground source of drinking water" to Title 16, Section 3.13(a)(2) of the Texas Administrative Code. Including definitions will provide clarification and certainty as to the water quality that the Commission intends to protect through enforcement of these rules.

(4) The District suggests modifying Title 16, Section 3.13(a)(2)(C) of the Texas Administrative Code to read as follows: "Protection Depth—Depth to which usable-quality water and underground sources of drinking water must be protected, as determined by the Groundwater Advisory Unit of the Oil and Gas Division, which may include zones that contain brackish or saltwater if such zones are correlative and/or hydrologically connected to zones that contain underground sources of drinking water."

(5) The District suggests modifying Title 16, Section 3.13(b)(1)(B)(i) of the Texas Administrative Code to read as follows: "An operator shall set and cement sufficient surface casing to protect all usable-quality water strata and underground sources of drinking water, as defined by the Groundwater Advisory Unit of the Oil and Gas Division."

Thank you again for the opportunity to provide these comments and take part in the rulemaking process.

Sincerely,

A handwritten signature in dark ink, appearing to read "Kathy Jones", is written over the typed name.

Kathy Jones  
General Manager